

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 580 Department or Agency Alabama Department of Mental Health
Rule No. 580-2-9-.14

Rule Title: Adult Intensive Day Treatment

 New X Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? YES

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? NO

Is there another, less restrictive method of regulation available that could adequately protect the public? NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? NO

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? NO

Does the proposed rule have an economic impact? NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer Debbie Popwell

Date 12/19/19

REC'D & FILED

DEC 19 2019

LEGISLATIVE SVC AGENCY

(DATE FILED)
(STAMP)

Alabama Department of Mental Health

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Department of Mental Health

RULE NO. & TITLE: 580-2-9-.14 Adult Intensive Day Treatment

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION: We have created Chapter 580-2-20 to eventually combine the current rules for Mental Illness in Chapter 580-2-9 and Substance Abuse in Chapter 580-9-44.

TIME, PLACE, MANNER OF PRESENTING VIEWS: All interested persons may submit data, views, or arguments in writing to Debbie Popwell, Director, Office of Certification Administration, Alabama Department of Mental Health, 100 North Union Street, Suite 540, Montgomery, Alabama 36130 by mail or in person between the hours of 8:00AM and 5:00PM, Monday through Friday, or by electronic means to Debbie.popwell@mh.alabama.gov until and including March 6, 2020. Persons wishing to submit data, views, or arguments orally should contact Ms. Popwell by telephone at (334) 353-2069 during this period to arrange for an appointment.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:
March 6, 2020

CONTACT PERSON AT AGENCY:
Persons wishing a copy of the proposal may contact
Debbie Popwell
Department of Mental Health
100 North Union Street, Suite 540
Montgomery, Alabama 36130
(334) 353-2069

A copy of the proposed change is available on the department's website at <http://mh.alabama.gov>. Click on Provider Portal and then Certification to find code with changes.



(Signature of officer authorized
to promulgate and adopt
rules or his or her deputy)

580-2-9-.14 Adult Intensive Day Treatment.

(1) The program description is approved by the board as specified in 580-2-9-.08(10)(b). It is consistent with the provisions of this section and defines Intensive Day Treatment (AIDT) as an identifiable and distinct program that provides highly structured services designed to bridge acute treatment and less intensive services such as rehabilitative and outpatient with the goals of community living skills acquisition/ enhancement, increased level of functioning, and enhanced community integration. The program description must include all of the following components:

(a) A description of the nature and scope of the program that includes at a minimum the provision of services as specified in 580-2-9-.14(2).

(b) Discharge/transfer criteria and procedures consistent with 580-2-9-.14 (1)(h).

(c) A description of the geographic service area for the program.

(d) Admission shall be approved by a staff member who meets the requirements set forth in section 580-2-9-.06(9)(g)6 and shall include the following criteria:

1. Presence of a psychiatric diagnosis.
2. Moderately disabling persistent, chronic, and/or refractory symptoms with no significant clinical progress made or expected in a less intensive level of care.
3. Symptoms that do not meet admission criteria for more intensive levels of care but do require the daily structure and supervision of a treatment oriented therapeutic milieu.
4. AIDT can be reasonably expected to improve the consumer's symptoms, condition, or functional level sufficient to permit transition to a less intensive level of care.

(e) Exclusionary criteria shall address the following:

1. The consumer's degree of impairment, severity of symptoms, and level of functioning require a more intensive level of care.
2. The consumer is experiencing mild persistent, chronic symptoms without acute exacerbation and less intensive levels of care can reasonably be expected to improve the

consumer's symptoms, condition, and functional level.

(f) The program description defines the expected length of stay (LOS) as intermediate term, not to exceed 6 months unless clinically justified.

(g) The program description shall state the procedure for extending a consumer past the expected LOS and must require at least one of the following continued stay criteria and be approved by a staff member who meets the requirements set forth in 580-2-9-.06(9)(g)6:

1. Goals and objectives specified on the treatment plan have not been substantially attained or new problems have emerged and further treatment can be reasonably expected to result in progress toward goals and objectives and/or continued stability, or

2. Continued treatment cannot be provided in less intensive levels of care (e.g., rehabilitative day program, case management, standard outpatient services) due to a reasonable risk of relapse and/or hospitalization based on documented clinical judgment or failed attempts to transition the consumer to a less intensive level of care.

(h) Discharge/transfer criteria shall include the following:

1. Treatment plan goals and objectives have been substantially attained and continued treatment can be provided in less intensive levels of care.

2. Consumer's degree of impairment, severity of symptoms, and level of functioning have improved enough to resume normal activities or to receive less intensive services (e.g., rehabilitative day program, case management, standard outpatient services).

3. Consumer's degree of impairment, severity of symptoms, and/or level of functioning necessitates admission to a more intensive level of care.

4. Consumer is unwilling or unable to participate in/benefit from the program due to severity of symptoms, functional impairment, behavioral problems, personal choice, or cognitive limitations despite repeated documented efforts to engage the consumer.

(2) Intensive Day Treatment shall constitute active, intermediate level treatment that specifically addresses the consumer's impairments, deficits, and clinical needs. An initial screening to evaluate the appropriateness of the consumer's

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participation in the program and to develop an individualized treatment plan must be conducted. The following services must be available and provided as indicated by the initial screening:

- (a) Medication evaluation and management.
- (b) Individual, group, and family therapy.
- (c) Activity/recreational therapy (e.g. sports, leisure activities, hobbies, crafts, music, socialization, field trips).
- (d) Social skills training (e.g. conversation and interpersonal skills).
- (e) Coping skills training (e.g. stress management, symptom management, problem solving).
- (f) Utilization of community resources.
- (g) Family education closely related to the presenting problems such as diagnosis, symptoms, medication, coping skills, etc.
- (h) Basic living skills (e.g. Adult Basic Education, GED, shopping, cooking, housekeeping, grooming).
- (i) Medication administration.
- (j) Medication monitoring.
- (k) Consumer education closely related to presenting problems such as diagnosis, symptoms, medication, etc. rather than academic training.
- (1) A weekly schedule of services attended must be in each consumer's record.
- (3) The program coordinator must have a master's degree in a mental health related field and 2 years of post-master's direct mental illness experience. In physically isolated settings, there must be 1 other staff member in addition to the coordinator present during the hours of operation. The overall staff to consumer ratio cannot exceed 1:15. If a program has a capacity of 15 or less, an additional staff person should be present during the hours of operation to permit individualized treatment.
- (4) Consumers admitted to the program meet the admission criteria as specified above and do not meet the exclusionary criteria as specified above.

- (5) The program is operated a minimum of 4 hours per

day and at least 4 days per week.

(6) Consumer records document that the consumer received a minimum of 1 hour of individual or group therapy weekly.

(7) There is documentation in the consumer record that group therapy size does not exceed 15 in each group.

(8) The AIDT program's length of stay (LOS) is an intermediate term, not to exceed 6 months unless clinically justified.

(9) Extensions of LOS clearly document reasons consistent with the continued stay criteria, specify a period not to exceed 3 months, specify clinical objectives to be achieved during the extension; and are approved by a staff member who meets the requirements set forth in section 580-2-9-.06(9)(g)6.

(10) Each consumer in an Intensive Day Treatment program shall have a counselor/therapist who meets the requirements at 580-2-9-.03(7).

(11) Program statistics document that consumers are scheduled to attend 3 to 5 days per week and at least 4 hours per day. If a consumer is scheduled less frequently, it is clearly documented that the consumer is in a brief transition period.

(12) Consumers who are deaf will have communication access provided by staff fluent in the consumer's preferred language or by a qualified interpreter. Staff serving consumers who are deaf will hold certification at the Intermediate Plus level or higher on the Sign Language Proficiency Interview. Programming will be modified to provide effective participation for all consumers who are deaf.

(13) Records of discharged consumers indicate that the discharge criteria were met. Consumers attending the program do not meet the discharge criteria listed above.

~~(14) Each consumer shall have training in infection control at program admission and annually thereafter.~~

~~Author: Division of Mental Illness, DMH~~

~~Statutory Authority: Code of Ala. 1975, §22-50-11.~~

~~History: New Rule: Filed June 14, 2010; effective July 19, 2010. Amended: Filed December 19, 2019.~~